

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARIO CHAVEZ-CHAVEZ,

Plaintiff,

v.

BERNARD C. BARMANN, *et al.*,

Defendants.

Case No. 1:25-cv-00865-KES-CDB

ORDER DIRECTING PLAINTIFF TO
SHOW CAUSE IN WRITING WHY
SANCTIONS SHOULD NOT BE IMPOSED
FOR PLAINTIFF'S FAILURE TO OBEY A
COURT ORDER

(Doc. 3)

10-DAY DEADLINE

Clerk of the Court to Attach AO 239 Form

Plaintiff Mario Chavez-Chavez (“Plaintiff”) initiated this action with the filing of a complaint on July 16, 2025. (Doc. 1). Plaintiff did not pay the filing fee in this action and, instead, applied to proceed *in forma pauperis* (“IFP”) pursuant to 28 U.S.C. § 1915. (Doc. 2). Upon its review of Plaintiff’s application, on July 17, 2025, the Court ordered Plaintiff to complete and file within 21 days an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)—AO 239, noting that Plaintiff’s IFP application demonstrates that Plaintiff’s income and resources could be above the poverty threshold and the information provided is insufficient for the Court to determine whether Plaintiff is entitled to proceed without prepayment of fees. (Doc. 3). The Court attached an AO 239 form to its order (Doc. 3-1) and served the order on Plaintiff (*see*

1 docket entry “Service by Mail,” dated July 17, 2025).

2 In its order, the Court admonished Plaintiff that “[a]ny failure by Plaintiff to timely
3 comply with this order will result in a recommendation that the action be dismissed.” (Doc.
4 3 at 2; emphasis in original).

5 Plaintiff has failed to either file a completed AO 239 form or pay the \$405.00 filing fee and
6 the time to do so has now passed.

7 **Conclusion and Order**

8 Accordingly, IT IS HEREBY ORDERED that Plaintiff show cause in writing within ten
9 (10) days of the date of service of this order why sanctions should not be imposed for his failure to
10 comply with the Court’s orders. Alternatively, Plaintiff may comply with this order by filing by
11 that same deadline either a completed and signed AO 239 application to proceed *in forma pauperis*
12 (attached hereto) pursuant to 28 U.S.C. § 1915 or pay the \$405.00 filing fee.

13 Further, the Clerk of the Court is DIRECTED to attach an AO 239 application form to this
14 order.

15 **Any failure by Plaintiff to timely comply with this order will result in the**
16 **recommendation that this action be dismissed, without prejudice, for Plaintiff’s failure to**
17 **obey a court order and for failure to prosecute.**

18 IT IS SO ORDERED.

19 Dated: August 12, 2025


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UNITED STATES MAGISTRATE JUDGE

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